

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

CEYRELIA LADNER

VS.

CIVIL ACTION NO. 1:05cv333-KA-MTP

HANCOCK MEDICAL CENTER

ORDER

This cause is before the Court on conflicting judgments on jury verdicts submitted by attorneys for the respective parties. It is claimed by the attorney for plaintiff that prejudgment interest is appropriate, the attorney for the defendant denies that prejudgment interest is appropriate.

The Court has reviewed applicable statutory law. Title 29 U.S.C. § 2617(a)(1)(A)(ii) states, “interest is payable on the amount determined as damages.” However, subsection (iii) states,

except that if an employer who has violated § 105 [29 U.S.C.S. § 2615] proves to the satisfaction of the Court that the act or omission which violated § 105 [29 U.S.C.S. § 2615] was in good faith and that the employer had reasonable grounds for believing that the act or omission was not a violation of § 105, such Court may, in the discretion of the Court, reduce the amount of liability to the amount of interest determined under clauses (i) and (ii)...

The Court finds consistent with the jury verdict and special interrogatory that the defendant acted in good faith, having reasonable grounds for believing that the act or omission was not a violation of § 105 and the Court finds that prejudgment interest should not be allowed. A final judgment will be entered consistent with the jury verdict and this order.

SO ORDERED this, the 28th day of June, 2007.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE